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*Attorneys for Plaintiff Mity-Lite, Inc.*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DISTRICT

| | |
|---|---|
| MITY-LITE, INC., a Utah corporation<br><br>Plaintiff<br>v.<br><br>BLUMENTHAL DISTRIBUTING, INC., d/b/a OFFICE STAR PRODUCTS, a California corporation,<br><br>Defendant. | **COMPLAINT**<br><br>Case No. 2:17-cv-00459<br><br>Judge Robert J. Shelby |

Plaintiff Mity-Lite, Inc. ("Mity-Lite") by and through its counsel hereby files this Complaint with Jury Demand against Defendant Blumenthal Distributing, Inc. d/b/a Office Star Products ("OSP" or "Defendant").

## COMPLAINT

Plaintiff complains and alleges as follows:

## PARTIES, JURISDICTION, AND VENUE

1. Mity-Lite is a Utah corporation having a principal place of business at 1301 W 400 N, Orem, Utah 84057.

2. Upon information and belief, Defendant is a California company with its principal place of business at 1901 Archibald Avenue, Ontario, CA 91761.

3. Plaintiff brings this action under U.S. patent laws, 35 U.S.C. §§ 1 et seq.

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338.

5. Upon information and belief, this Court has specific personal jurisdiction over Defendant as Defendant has purposefully directed its activities toward the state of Utah by selling the products at issue in this case into the state of Utah.

6. This Court has supplemental jurisdiction over any state law, or statutory and common law claims pursuant to 28 U.S.C. § 1367.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391 because Defendant conducts business in this district directly related to the patents at issue in this case, is subject to the court's personal jurisdiction in this case, and a substantial part of the infringing activity giving rise to the Plaintiffs' causes of action occurred in this judicial district.

**MITY-LITE'S RELATED PATENTS**

8. Mity-Lite is in the business of designing, manufacturing, marketing, distributing, and selling furniture products.

9. For nearly 30 years, Mity-Lite has manufactured and sold tables, chairs, carts, flooring, staging, and partitions for a variety of markets, including without limitation the hospitality, higher education, religious worship, government, healthcare, and restaurant industries.

10. Mity-Lite is a pioneer in the development of furniture products, in particular, folding chairs.

11. Many of Mity-Lite's innovative products are covered by various utility and design patents. One such product is a folding chair that has a mesh patterned plastic seat and backrest

that flexes to support the person sitting in the chair while reducing the weight of the chair and remaining easy to clean.

12. Mity-Lite has expended the resources to seek patent protection for many of its innovative products.

13. Among the patents that Mity-Lite has been awarded are the utility patents and design patent listed below (the "Patents-in-Suit"), attached as Exhibits 1-5.

| **Patent Number** | **Title** |
|---|---|
| 8,029,059 (the "'059 Patent") | Folding and Stacking Mesh Chair System |
| 8,033,598 (the "'598 Patent") | Mesh Folding Chair |
| 8,033,612 (the "'612 Patent") | Comfortable Mesh Folding Chair |
| 9,492,014 (the "'014 Patent") | Mesh Folding Chair |
| D599,127 (the "'127 Design Patent") | Mesh Folding Chair |

**DEFENDANT INFRINGES MITY-LITE'S PATENTS**

14. Upon information and belief, Defendant is in the business of making, using, selling, offering for sale, and/or importing into the United States a variety of consumer products, including home and office furniture.

15. Upon information and belief, Defendant sells home and office furniture under the Office Star Products and Work Smart brands, including chairs, tables, sofas, loveseats, storage shelves, and storage dollys for chairs and tables.

16. Upon information and belief, Defendant's products are sold through online retailers and various distributors, where they are purchased by consumers throughout the United States, including the State of Utah.

17. Upon information and belief, Defendant makes, uses, sells, offers for sale, and/or imports into the United States at least two color variations of a "Folding Chair with Screen Seat and Back" (items # FC8105NS-7/FC8105NP-3) under the Work Smart brand (the "Screen Infringing Chair"). Two images of an example of the Screen Infringing Chair are shown below.

18. Upon information and belief, Defendant makes, uses, sells, offers for sale, and/or imports into the United States at least two color variations of a folding chair featuring a "Ventilated seat and back" (item # FC8105NS-7/FC8105NP-3) under the Work Smart brand (the "Ventilated Infringing Chair"). Two images of an example of the Ventilated Infringing Chair are shown below.

19. Upon information and belief, Defendant makes, uses, sells, offers for sale, imports, and/or distributes the Screen Infringing Chair and the Ventilated Infringing Chair in the United States, including the State of Utah.

20. The Screen Infringing Chair and the Ventilated Infringing Chair are representative of OSP products that infringe Mity-Lite's patent rights (the "Accused Products").

21. Defendant has not obtained permission from Mity-Lite to use any of the rights attendant to the Patents-in-Suit in connection with the Accused Products.

22. Upon information and belief, Defendant's continued manufacture, use, sale, offer for sale, import, and distribution of the Accused Products has injured, is injuring, and will continue to cause irreparable injury to Mity-Lite.

23. Upon information and belief, Mity-Lite has been and continues to be significantly damaged by Defendant's actions. So long as Defendant continues performing the unlawful and improper actions described in this Complaint, Mity-Lite will continue to suffer irreparable harm that will not be fully compensable by money damages.

**FIRST CAUSE OF ACTION**
**(Infringement of the '059 Patent)**

24. Mity-Lite hereby incorporates by reference each and every preceding allegation of this Complaint as if set forth fully herein.

25. Upon information and belief, at least one of the Accused Products infringes at least one claim of the '059 Patent.

26. Upon information and belief, by making, using, selling, offering for sale, and/or importing into the United States products, including at least the Ventilated Infringing Chair, Defendant has in the past, does now, and continues to directly infringe, contributorily infringe, and/or induce others to infringe the claims of the '059 Patent literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271.

27. Claim 1 of the '059 Patent is a representative claim. This claim states as follows:

> A folding and stacking chair system comprising a plurality of folding and stacking chairs having an unfolded seating position in which the chairs are configured for sitting upon, and a folded and stacked position in which the chairs are folded and stacked together, each chair comprising:
> a) a seat and a backrest carried between opposite frame sides each with a backrest support, a front leg and a rear leg, with the seat extending from the frame sides and the front and rear legs moved apart in the unfolded seating position, and with the seat pivoted towards the frame sides and the front and rear legs moved together in the folded and stacked position;
> b) the backrest having a continuous sheet of flexible and elastic mesh or patterned open texture plastic held between the backrest supports of the frame sides;
> c) the seat having a continuous sheet of flexible and elastic mesh or patterned open texture plastic held between a seat frame fixed between the frame sides;
> d) the rear legs of the frame sides have a tubular configuration with an open top end;
> e) a pair of top stops each one disposed in a different one of the open top ends of the rear legs; and
> f) each top stop having an abutment surface to abut the front leg of an adjacent stacked chair and an outer fin and an inner fin forming a stacking channel to receive the front leg of the adjacent stacked chair.

28. A claim chart cross referencing the elements of Claim 1 with an explanation of the infringing aspects of the Ventilated Infringing Chair—an exemplary infringing product—is attached hereto as Exhibit 6 and is incorporated by reference herein.

29. Upon information and belief, Defendant's customers and others are using, selling, offering for sale or importing the Ventilated Infringing Chair and at no time has Mity-Lite granted Defendant's customers and other users of the Ventilated Infringing Chair permission, license, or authorization to use, sell, offer for sale, or import the Ventilated Infringing Chair or to practice the claims of the '059 Patent.

30. Accordingly, Defendant's customers and users of the Ventilated Infringing Chair have infringed and are directly infringing the '059 Patent.

31. Upon information and belief, Defendant was aware of the '059 Patent.

32. Upon information and belief, Defendant intended for its customers and others who use, sell, offer for sale, or import the Ventilated Infringing Chair to use, sell, offer for sale, or import the Ventilated Infringing Chair in a manner that Defendant knew, or should have known, would infringe the '059 Patent.

33. Accordingly, Defendant has induced and is inducing its customers to infringe at least claim 1 of the '059 Patent.

34. Furthermore, upon information and belief, features of the Ventilated Infringing Chair marketed and sold by Defendant are a material part of the invention claimed by the '059 Patent and do not have a substantial non-infringing use.

35. Accordingly, Defendant has contributed and is contributing to the infringement of the '059 Patent.

36. Upon information and belief, Defendant's infringing activities have damaged Mity-Lite in an amount to be proven at trial. Among other remedies, Mity-Lite is entitled to its lost profits or, in the alternative, a reasonable royalty to adequately compensate it for Defendant's infringing activities. Additionally, the harm to Mity-Lite arising from these acts by Defendant is not fully compensable by money damages. Mity-Lite has suffered, and continue to suffer, irreparable harm that has no adequate remedy at law and that will continue unless this infringing conduct by Defendant is preliminarily and permanently enjoined.

37. Upon information and belief, Defendant acted in an objectively reckless manner with respect to Mity-Lite's patent rights. Upon information and belief, Defendant made, used, sold, and offered for sale its Ventilated Infringing Chair knowing that it was highly likely that its acts would induce and contribute to the infringement of a valid patent. As a consequence, Defendant has engaged in willful infringement of the '059 Patent. Mity-Lite is therefore entitled to treble damages and attorneys' fees as well as costs incurred in this action along with prejudgment interest under 35 U.S.C. §§ 284 and 285.

## SECOND CAUSE OF ACTION
## (Infringement of the '598 Patent)

38. Mity-Lite hereby incorporates by reference each and every preceding allegation of this Complaint as if set forth fully herein.

39. Upon information and belief, at least one of the Accused Products infringes at least one claim of the '598 Patent.

40. Upon information and belief, by making, using, selling, offering for sale, and/or importing into the United States products, including at least the Screen Infringing Chair, Defendant has in the past, does now, and continues to directly infringe, contributorily infringe,

and/or induce others to infringe the claims of the ‘598 Patent literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271.

41. Claim 1 of the ‘598 Patent is a representative claim. This claim states as follows:

A folding chair, comprising:

a) a seat and a backrest carried between opposite frame sides each with a backrest support, a front leg and a rear leg, and having an unfolded seating position in which the seat pivots to extend from the frame sides and bottoms of the front and rear legs move apart, and a folded position in which the seat pivots toward the frame sides and the front and rear legs move together;

b) the seat having a continuous sheet of flexible and elastic mesh or patterned open texture plastic held across and substantially covering an opening in an all-plastic seat hoop;

c) a pair of plastic lobes formed as one piece with the seat hoop on opposite sides thereof and extending downwardly from the seat hoop in the unfolded seating position;

d) the seat hoop being pivotally coupled between the frame sides with the front legs pivotally coupled to the pair of plastic lobes and the rear legs pivotally coupled to the all-plastic seat hoop; and

e) a plastic seat-support bar formed as one piece with the seat hoop and the pair of plastic lobes and laterally traversing the seat hoop and extending from the seat hoop and the pair of plastic lobes in front of the front legs when the seat hoop is in the unfolded seating position.

42. A claim chart cross referencing the elements of Claim 1 with an explanation of the infringing aspects of the Screen Infringing Chair—an exemplary infringing product—is attached hereto as Exhibit 7 and is incorporated by reference herein.

43. Upon information and belief, Defendant’s customers and others are using, selling, offering for sale or importing the Screen Infringing Chair and at no time has Mity-Lite granted Defendant’s customers and other users of the Screen Infringing Chair permission, license, or authorization to use, sell, offer for sale, or import the Screen Infringing Chair or to practice the claims of the ’598 Patent.

44. Accordingly, Defendant’s customers and users of the Screen Infringing Chair have infringed and are directly infringing the ‘598 Patent.

45. Upon information and belief, Defendant was aware of the ‘598 Patent.

46. Upon information and belief, Defendant intended for its customers and others who use, sell, offer for sale, or import the Screen Infringing Chair to use, sell, offer for sale, or import the Screen Infringing Chair in a manner that Defendant knew, or should have known, would infringe the ‘598 Patent.

47. Accordingly, Defendant has induced and is inducing its customers to infringe at least claim 1 of the ’598 Patent.

48. Furthermore, upon information and belief, features of the Screen Infringing Chair marketed and sold by Defendant are a material part of the invention claimed by the ‘598 Patent and do not have a substantial non-infringing use.

49. Accordingly, Defendant has contributed and is contributing to the infringement of the ‘598 Patent.

50. Upon information and belief, Defendant’s infringing activities have damaged Mity-Lite in an amount to be proven at trial. Among other remedies, Mity-Lite is entitled to its lost profits or, in the alternative, a reasonable royalty to adequately compensate it for Defendant’s infringing activities. Additionally, the harm to Mity-Lite arising from these acts by Defendant is not fully compensable by money damages. Mity-Lite has suffered, and continue to suffer, irreparable harm that has no adequate remedy at law and that will continue unless this infringing conduct by Defendant is preliminarily and permanently enjoined.

51. Upon information and belief, Defendant acted in an objectively reckless manner with respect to Mity-Lite’s patent rights. Upon information and belief, Defendant made, used, sold, and offered for sale its Screen Infringing Chair knowing that it was highly likely that its acts would induce and contribute to the infringement of a valid patent. As a consequence,

Defendant has engaged in willful infringement of the ‘598 Patent. Mity-Lite is therefore entitled to treble damages and attorneys’ fees as well as costs incurred in this action along with prejudgment interest under 35 U.S.C. §§ 284 and 285.

**THIRD CAUSE OF ACTION**
**(Infringement of the ‘612 Patent)**

52. Mity-Lite hereby incorporates by reference each and every preceding allegation of this Complaint as if set forth fully herein.

53. Upon information and belief, at least one of the Accused Products infringes at least one claim of the ‘612 Patent.

54. Upon information and belief, by making, using, selling, offering for sale, and/or importing into the United States products, including at least the Screen Infringing Chair, Defendant has in the past, does now, and continues to directly infringe, contributorily infringe, and/or induce others to infringe the claims of the ‘612 Patent literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271.

55. Claim 1 of the ‘612 Patent is a representative claim. This claim states as follows:

A folding chair, comprising:

a) a seat and a backrest carried between opposite frame sides each with a backrest support, a front leg and a rear leg, and having an unfolded seating position in which the seat pivots to extend from the frame sides and bottoms of the front and rear legs move apart, and a folded position in which the seat pivots toward the frame sides and the front and rear legs move together;

b) the seat having a continuous sheet of flexible and elastic mesh or patterned open texture plastic held across and substantially covering an opening in an all-plastic seat hoop;

c) a pair of plastic lobes formed as one piece with the seat hoop on opposite sides thereof and extending downwardly from the seat hoop in the unfolded seating position;

d) the seat hoop being pivotally coupled between the frame sides with the front legs pivotally coupled to the pair of plastic lobes and the rear legs pivotally coupled to the all-plastic seat hoop;

e) a plastic seat-support bar formed as one piece with the seat hoop and the pair of plastic lobes and laterally traversing the seat hoop and extending from the seat hoop and the pair of plastic lobes in front of the front legs when the seat hoop is in the unfolded seating position;

f) the all-plastic seat hoop of the seat having:

i) opposite, parallel, substantially straight, hoop sides coupled to the frame sides; and

ii) a front extending between the hoop sides and arcing downward with respect to the chair in the unfolded seating position; and

g) the sheet of mesh or plastic forming a longitudinally convex arc leg relief near the front of the seat hoop.

56. A claim chart cross referencing the elements of Claim 1 with an explanation of the infringing aspects of the Screen Infringing Chair—an exemplary infringing product—is attached hereto as Exhibit 8 and is incorporated by reference herein.

57. Upon information and belief, Defendant's customers and others are using, selling, offering for sale or importing the Screen Infringing Chair and at no time has Mity-Lite granted Defendant's customers and other users of the Screen Infringing Chair permission, license, or authorization to use, sell, offer for sale, or import the Screen Infringing Chair or to practice the claims of the '612 Patent.

58. Accordingly, Defendant's customers and users of the Screen Infringing Chair have infringed and are directly infringing the '612 Patent.

59. Upon information and belief, Defendant was aware of the '612 Patent.

60. Upon information and belief, Defendant intended for its customers and others who use, sell, offer for sale, or import the Screen Infringing Chair to use, sell, offer for sale, or import the Screen Infringing Chair in a manner that Defendant knew, or should have known, would infringe the '612 Patent.

61. Accordingly, Defendant has induced and is inducing its customers to infringe at least claim 1 of the '612 Patent.

62. Furthermore, upon information and belief, features of the Screen Infringing Chair marketed and sold by Defendant are a material part of the invention claimed by the ‘612 Patent and do not have a substantial non-infringing use.

63. Accordingly, Defendant has contributed and is contributing to the infringement of the ‘612 Patent.

64. Upon information and belief, Defendant’s infringing activities have damaged Mity-Lite in an amount to be proven at trial. Among other remedies, Mity-Lite is entitled to its lost profits or, in the alternative, a reasonable royalty to adequately compensate it for Defendant’s infringing activities. Additionally, the harm to Mity-Lite arising from these acts by Defendant is not fully compensable by money damages. Mity-Lite has suffered, and continue to suffer, irreparable harm that has no adequate remedy at law and that will continue unless this infringing conduct by Defendant is preliminarily and permanently enjoined.

65. Upon information and belief, Defendant acted in an objectively reckless manner with respect to Mity-Lite’s patent rights. Upon information and belief, Defendant made, used, sold, and offered for sale its Screen Infringing Chair knowing that it was highly likely that its acts would induce and contribute to the infringement of a valid patent. As a consequence, Defendant has engaged in willful infringement of the ‘612 Patent. Mity-Lite is therefore entitled to treble damages and attorneys’ fees as well as costs incurred in this action along with prejudgment interest under 35 U.S.C. §§ 284 and 285.

**FOURTH CAUSE OF ACTION**
**(Infringement of the ‘014 Patent)**

66. Mity-Lite hereby incorporates by reference each and every preceding allegation of this Complaint as if set forth fully herein.

67. Upon information and belief, at least one of the Accused Products infringes at least one claim of the ‘014 Patent.

68. Upon information and belief, by making, using, selling, offering for sale, and/or importing into the United States products, including, but not limited to the Ventilated Infringing Chair and the Screen Infringing Chair, Defendant has in the past, does now, and continues to directly infringe, contributorily infringe, and/or induce others to infringe the claims of the ‘014 Patent literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271.

69. Claim 1 of the ‘014 Patent is a representative claim. This claim states as follows:

A folding chair, comprising:

a) a seat and a backrest carried between opposite frame sides each with a backrest support, a front leg and a rear leg, and having an unfolded seating position in which the seat pivots to extend from the frame sides and bottoms of the front and rear legs move apart, and a folded position in which the seat pivots toward the frame sides and the front and rear legs move together; and

b) one or both of the seat and the backrest having a continuous sheet of flexible and elastic patterned open texture plastic held taut across and substantially covering an opening in an all-plastic hoop fixed between the frame sides, wherein the sheet of patterned open texture plastic is formed together with the all-plastic hoop as a single unit by injection molding.

70. A claim chart cross referencing the elements of Claim 1 with an explanation of the infringing aspects of the Ventilated Infringing Chair and the Screen Infringing Product—exemplary infringing products—is attached hereto as Exhibit 9 and is incorporated by reference herein.

71. Upon information and belief, Defendant’s customers and others are using, selling, offering for sale or importing the Ventilated Infringing Chair or the Screen Infringing Chair and at no time has Mity-Lite granted Defendant’s customers and other users of the Ventilated Infringing Chair or the Screen Infringing Chair, license, or authorization to use, sell, offer for

sale, or import the Ventilated Infringing Chair or the Screen Infringing Chair or to practice the claims of the ‘014 Patent.

72. Accordingly, Defendant’s customers and users of the Ventilated Infringing Chair and users of the Screen Infringing Chair have infringed and are directly infringing the ‘014 Patent.

73. Upon information and belief, Defendant was aware of the ‘014 Patent.

74. Upon information and belief, Defendant intended for its customers and others who use, sell, offer for sale, or import the Ventilated Infringing Chair or the Screen Infringing Chair to use, sell, offer for sale, or import the Ventilated Infringing Chair or the Screen Infringing Chair in a manner that Defendant knew, or should have known, would infringe the ‘014 Patent.

75. Accordingly, Defendant has induced and is inducing its customers to infringe at least claim 1 of the ‘014 Patent.

76. Furthermore, upon information and belief, features of the Ventilated Infringing Chair and the Screen Infringing Chair marketed and sold by Defendant are material parts of the invention claimed by the ‘014 Patent and do not have substantial non-infringing uses.

77. Accordingly, Defendant has contributed and is contributing to the infringement of the ‘014 Patent.

78. Upon information and belief, Defendant’s infringing activities have damaged Mity-Lite in an amount to be proven at trial. Among other remedies, Mity-Lite is entitled to its lost profits or, in the alternative, a reasonable royalty to adequately compensate it for Defendant’s infringing activities. Additionally, the harm to Mity-Lite arising from these acts by Defendant is not fully compensable by money damages. Mity-Lite has suffered, and continue to

suffer, irreparable harm that has no adequate remedy at law and that will continue unless this infringing conduct by Defendant is preliminarily and permanently enjoined.

79. Upon information and belief, Defendant acted in an objectively reckless manner with respect to Mity-Lite's patent rights. Upon information and belief, Defendant made, used, sold, and offered for sale its Ventilated Infringing Chair and Screen Infringing Chair knowing that it was highly likely that its acts would induce and contribute to the infringement of a valid patent. As a consequence, Defendant has engaged in willful infringement of the '014 Patent. Mity-Lite is therefore entitled to treble damages and attorneys' fees as well as costs incurred in this action along with prejudgment interest under 35 U.S.C. §§ 284 and 285.

**FIFTH CAUSE OF ACTION**
**(Infringement of the '127 Design Patent)**

80. Mity-Lite hereby incorporates by reference each and every preceding allegation of this Complaint as if set forth fully herein.

81. Upon information and belief, at least one of the Accused Products infringes at least one embodiment of the '127 Design Patent.

82. Upon information and belief, by making, using, selling, offering for sale, and/or importing into the United States products, including, but not limited to the Ventilated Infringing Chair and the Screen Infringing Chair, Defendant has in the past, does now, and continues to directly infringe, contributorily infringe, and/or induce others to infringe the ornamental design covered by the '127 Design Patent in violation of 35 U.S.C. § 271.

83. A chart comparing the embodiments of '127 Design Patent to the Ventilated Infringing Chair and the Screen Infringing Product—exemplary infringing products—is attached hereto as Exhibit 10 and is incorporated by reference herein.

84. Upon information and belief, Defendant's customers and others are using, selling, offering for sale or importing the Ventilated Infringing Chair or the Screen Infringing Chair and at no time has Mity-Lite granted Defendant's customers and other users of the Ventilated Infringing Chair or the Screen Infringing Chair, license, or authorization to use, sell, offer for sale, or import the Ventilated Infringing Chair or the Screen Infringing Chair or to utilize the embodiments of the '127 Design Patent.

85. Accordingly, Defendant's customers and users of the Ventilated Infringing Chair and users of the Screen Infringing Chair have infringed the ornamental design covered by the '127 Design Patent.

86. Upon information and belief, Defendant was aware of the '127 Design Patent.

87. Upon information and belief, Defendant intended for its customers and others who use, sell, offer for sale, or import the Ventilated Infringing Chair or the Screen Infringing Chair to use, sell, offer for sale, or import the Ventilated Infringing Chair or the Screen Infringing Chair in a manner that Defendant knew, or should have known, would infringe the '127 Design Patent.

88. Accordingly, Defendant has induced and is inducing its customers to infringe at least one embodiment of the '127 Design Patent.

89. Defendant infringes the '127 Design Patent because, *inter alia,* in the eye of an ordinary observer, giving such attention as purchaser usually gives, the ornamental design of the '127 patent and the designs of the Accused Products, including but without limitation to the designs of the Screen Infringing Chair and Ventilated Infringing Chair are substantially the same, the resemblance being such as to deceive an ordinary observer, inducing him to purchase one supposing it to be the other.

90. Accordingly, Defendant has contributed and is contributing to the infringement of the ‘127 Design Patent.

91. Upon information and belief, Defendant’s infringing activities have damaged Mity-Lite in an amount to be proven at trial. Among other remedies, Mity-Lite is entitled to its lost profits or, in the alternative, a reasonable royalty to adequately compensate it for Defendant’s infringing activities. Additionally, the harm to Mity-Lite arising from these acts by Defendant is not fully compensable by money damages. Mity-Lite has suffered, and continue to suffer, irreparable harm that has no adequate remedy at law and that will continue unless this infringing conduct by Defendant is preliminarily and permanently enjoined.

92. Upon information and belief, Defendant acted in an objectively reckless manner with respect to Mity-Lite’s patent rights. Upon information and belief, Defendant made, used, sold, and offered for sale its Ventilated Infringing Chair and Screen Infringing Chair knowing that it was highly likely that its acts would induce and contribute to the infringement of a valid patent. As a consequence, Defendant has engaged in willful infringement of the ‘127 Design Patent. Mity-Lite is therefore entitled to treble damages and attorneys’ fees as well as costs incurred in this action along with prejudgment interest under 35 U.S.C. §§ 284 and 285.

**WHEREFORE**, it is respectfully requested that the Court enter judgment in favor of Plaintiffs as follows:

A. That the Court enter judgment that Defendant has infringed the Patents-in-Suit either directly and/or by the doctrine of equivalents;

B. That the Court enter judgment that Defendant has induced the infringement of the Patents-in-Suit;

C. That the Court enter judgment that Defendant has contributorily infringed the Patents-in-Suit;

D. That Defendant be ordered to pay damages to Mity-Lite, together with interest, in an amount to be determined by this Court;

E. That the Court award Mity-Lite treble damages pursuant to 35 U.S.C. §284;

F. That the Court award Mity-Lite punitive damages;

G. That the Court award Mity-Lite costs and attorneys' fees related to this action pursuant to 35 U.S.C. § 285;

H. That the Court award Mity-Lite prejudgment interest;

I. That Mity-Lite has such other and further relief as shall seem just and proper to the Court; and

J. That the Court grant preliminary and permanent injunctive relief enjoining Defendant, its officers, directors, principals, agents, servants, employees, successors and assigns, and all other aiding, abetting, or acting in concert or active participation therewith, from directly or indirectly infringing the Patents-in-Suit, including with limitation, precluding Defendant from making, using, selling, offering for sale, or importing the Accused Products.

**JURY DEMAND**

Mity-Lite demands that all claims and causes of action raised in this Complaint be tried to a jury to the fullest extent possible under the United States and Utah Constitutions.

DATED this 22nd day of May, 2017

**THORPE NORTH & WESTERN, LLP**

/s/ Peter M. de Jonge
Peter M. de Jonge
Jed H. Hansen

*Attorneys for Plaintiff Mity-Lite, Inc.*